



House of Representatives

General Assembly

File No. 177

January Session, 2013

House Bill No. 6475

House of Representatives, March 26, 2013

The Committee on Housing reported through REP. BUTLER of the 72nd Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING THE ACQUISITION OF REAL PROPERTY TO BE USED FOR SCHOOL CONSTRUCTION.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subdivision (2) of subsection (a) of section 8-129 of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective October 1, 2013*):

4 (2) For any real property to be acquired by eminent domain
5 pursuant to section 8-128 or 8-193, or by condemnation pursuant to
6 section 32-224, pursuant to a redevelopment plan approved under this
7 chapter or a development plan approved under chapter 132 or 588l, the
8 agency shall have two independent appraisals conducted on the real
9 property in accordance with this subdivision. Each appraisal shall be
10 conducted by a state-certified real estate appraiser without
11 consultation with the appraiser conducting the other independent
12 appraisal, and shall be conducted in accordance with generally
13 accepted standards of professional appraisal practice as described in
14 the Uniform Standards of Professional Appraisal Practice issued by the

15 Appraisal Standards Board of the Appraisal Foundation pursuant to
 16 Title XI of FIRREA and any regulations adopted pursuant to section
 17 20-504. Each appraiser shall provide a copy of the appraisal to the
 18 agency and the property owner. The amount of compensation for such
 19 real property shall be equal to the average of the amounts determined
 20 by the two independent appraisals, except that (A) the compensation
 21 for any real property to be acquired by eminent domain pursuant to
 22 section 8-193 or by condemnation pursuant to section 32-224 shall be
 23 one hundred twenty-five per cent of such average amount, and (B) the
 24 compensation for any real property to be acquired by eminent domain
 25 pursuant to section 10-241a shall be equal to the greater of the average
 26 of the amounts determined by the two independent appraisals or the
 27 assessed value of such real property according to the most recent
 28 grand list. If the agency acquires real property that is subject to this
 29 subdivision five years or more after acquiring another parcel of real
 30 property within one thousand feet of the property pursuant to a
 31 redevelopment plan or development plan, the agency shall increase
 32 the amount of compensation for the subsequent acquisition of real
 33 property by an additional five per cent for each year from the sixth
 34 year until the tenth year after the acquisition of the first parcel of real
 35 property. With respect to a redevelopment plan or development plan
 36 for a project that is funded in whole or in part by federal funds, the
 37 provisions of this subdivision shall not apply to the extent that such
 38 provisions are prohibited by federal law.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2013	8-129(a)(2)
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HSG *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 14 \$	FY 15 \$
All Municipalities	Potential Cost	See Below	See Below

Explanation

The bill requires municipalities to consider, when acquiring land by eminent domain to use for school construction, the assessed value of a property in addition to the average of two independent appraisals of the property, and to compensate the property owner at the higher price.

The bill results in a cost increase to municipalities to the extent that the assessed value of any such land is greater than the average of two independent appraisals of the property.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**HB 6475*****AN ACT CONCERNING THE ACQUISITION OF REAL PROPERTY TO BE USED FOR SCHOOL CONSTRUCTION.*****SUMMARY:**

With certain exceptions, the law authorizes local and regional school districts to take land by eminent domain that is necessary for public school development, after fairly compensating the owner. This bill changes the basis for determining the property owner's compensation.

Under current law, the school district must compensate the property owner an amount equal to the average of two independent appraisals. The bill instead requires that the compensation equal the greater of the (1) average of these two appraisals or (2) property's assessed value, according to the most recent grand list.

EFFECTIVE DATE: October 1, 2013

BACKGROUND***Eminent Domain Exceptions***

The law prohibits school districts from taking land by eminent domain when the land (1) has a church on it, unless the ecclesiastical society consents, or (2) is used as a cemetery or for burial purposes.

Independent Appraisals

When school districts take land by eminent domain, they must have the land appraised by two state-certified appraisers. The appraisers must work independently of each other and use generally accepted standards as described in the Uniform Standards of Professional Appraisal Practice, which is issued by the Appraisal Standards Board of the Appraisal Foundation pursuant to federal and state law. Each appraiser must provide a copy of the appraisal to the property owner

and the school district.

COMMITTEE ACTION

Housing Committee

Joint Favorable

Yea 11 Nay 1 (03/12/2013)